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23932 7590 01/24/2007 JENKENS & GILCHRIST, PC 1445 ROSS AVENUE SUITE 3200 DALLAS, TX 75202			EXAMINER ROSE, HELENE ROBERTA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/766,563	Applicant(s) BOISJOLIE, DARREN	
	Examiner Helene Rose	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1-9 have been presented for examination.
2. Claims 1-9 have been rejected.

Specification

Abstract

3. In view of the abstract being objected to because it does not consist of at least 50 words. Examiner withdraws the pending rejection due to amendment of the abstract.

Claim Objections

4. In view of the objection made to Claims 5-9 being objected to because of the following informalities. Examiner withdraws the pending rejection based on the amendments to Claims 5-9.

Claim Rejections – 35 U.S.C – 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claims, Claims 1-9 recite "computer readable medium" was not cited in the original claim language, nor can the examiner find this newly added limitation within the specification, nor anything that may be equivalent to "information encoded in a form which can be read (i.e., scanned/sensed) by a machine/computer and interpreted by the machine's hardware and/or software", which is interpreted to be the

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functionality of the "computer readable medium. Therefore, claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim Rejections – 35 U.S.C – 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-9 are rejected under 35 U.S.C. 101 because the following claims are directed to a non-statutory matter as it relates to functional and non-functional descriptive material. See Warmerdam, 33F.3d at 1360, 31 USPQ2d at 1759 in this regards. As stated above, descriptive material can be characterized as either functional descriptive or non-functional descriptive material. Claims 1-9; are considered to be non-functional descriptive material, as it relates to establishing relationships. For example, in order to overcome this rejection, claims 1-9 must either include a computer readable medium, or display function, or a storage mechanism, to incorporate functional descriptive material which is interrelated to the medium in order for it to become statutory, wherein the technology permits the function of the descriptive material to be recognized. See Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994), which claims to data structure stored on a computer readable medium that increase computer efficiency held statutory.

Although, Examiner suggested the following, all newly added limitations must be in correspondence to the specification. Therefore the rejection under 35 U.S.C 101 still stands because of claim 1-9 being objected under 35 U.S.C 112 (see above).

Claim Rejections – 35 U.S.C – 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Guheen et al. (US Patent No. 6,519,571, Filing Date of Patent: May 27, 1999).

Claim 1:

Regarding claim 1, Guheen teaches a method of monitoring the appropriateness of digital content received at a monitored computer under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on said monitored computer (see Figure 4, all features, wherein operation, i.e. diagram 34 displays a pictorial representation of a system including a plurality of components, then the components of the system are indicia coded in order to indicate required components for the implementation of the system, wherein operation, i.e. diagram 35, an example of such indicia coding is shown illustrated in Figure 24, wherein as shown, components of the web architecture framework without indicia coding indicate that such components are not required for implementation of technology using the web architecture framework, in contrast, components of the web architecture framework with indicia coding represent components which are required for implementation of the technology, Guheen);

(b) providing in said client application a blacklist database of inappropriate words which associates a rating for each inappropriate word in said blacklist database (columns 177-178, lines 57-67 and lines 1-13, wherein operation 1608, the selected items are preferably stored in a database unique to the user, wherein the set of items selected during each shopping session should be stored in a separate listing or file so that the user can individually select particular sets of items and optionally, the user may be allowed to name each stored set of items for easier identification later and the user may also be permitted to rate or rank the items of a selected set for purposes of refreshing the user's memory when the user later retrieves the set, Guheen);

(c) providing in said client application a search module formed of data processing executable instructions which receives text as an input, and which compares said text to said blacklist database in order to generate an appropriateness rating for said text (column 180, lines 18-51 and columns 180-181, lines 65-67 and lines 1-13, Guheen);

(d) providing in said client application a capture module formed of data processing executable instructions which captures at least all incoming text (column 209, lines 11-16, wherein all incoming messages are logged, tracked, sorted based on text patterns, and routed to the appropriate destination, and wherein all or selected messages may be stored to build a customer interaction history, Guheen);

(e) utilizing said capture module to capture in real time said incoming text as said monitored user accesses said digital content (column 25, wherein Client3 Instant Product 1 is defined, a software application that provides online chatting capabilities, which is equivalent to "capture in real time incoming text", directory services for user profiles, and personalized news, wherein a software application installed on end users machine to obtain access to Business3's private network, which is equivalent to "monitored user accesses said digital content"; column 208, lines 32-51, wherein chat capabilities in real time is defined, and wherein chat rooms could be dynamically created which could restrict access to known users or could permit open public access, moderated chat sessions would also be allowed, and optionally the chat capabilities could permit posting, which is also interpreted to be equivalent to "monitored user accesses" and retrieving of public and private messages such as electronic bulletin board, which is also interpreted to be equivalent to "digital content");

(f) automatically passing said digital content from said capture module to said search module in real time as said monitored user accesses said digital content (Figure 40, wherein capturing, searching, and monitoring is going on at the same time and column 69, lines 42-60, wherein capture and share information across a project through the use of common access, structured databases – wherein this is equivalent to sharing and capturing digital content and Figure 84, wherein allowing a user to review educational program offerings is equivalent to monitored user accesses said digital content, Guheen);

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(g) utilizing said search module and said blacklist database in order to examine all textual components of said digital content on a word-by-word basis (Column 208, lines 1-15, wherein content subscriptions allows users to subscribe and unsubscribe for different services and allows subscribers to set up content preferences (e.g. topics), which is interpreted to be equivalent to a "blacklist database", and allows users to subscribe third parties for services and the content channels component of the present invention allows users to subscribe and unsubscribe to different services such as, for example, newsletters, travel clubs, and the like and users would also be allowed to limit the content of the materials received to their particular preference, wherein for example, a user would select several topics from a list of topics and would later receive information on the selected topics and optionally, the invention could permit a user to subscribe third parties to selected services, which is interpreted to be equivalent to *"utilizing the search module and the blacklist database in order to examine all textual components of the digital content on a word-by-word basis"*) and to develop an overall appropriateness rating for each individual piece of digital content in real time as said monitored user accesses said digital content (Figure 78, all features, wherein its further defined in Column 208, wherein 23-31, wherein the content channels component of the present invention would also include a component for displaying static answers to popular question, and wherein the questions and answers could dynamically generated from a knowledge base, and optionally the questions and answers could be ranked in order from the most to the least viewed or vice versa or could be organized by topic, wherein the search engine could select relevant questions based on a users input criteria, which is interpreted to be equivalent to *"develop an overall appropriateness rating for each individual piece of digital content in real time as the monitored user accesses said digital content"*);

(h) utilizing said client application for recording and reporting said overall appropriateness rating in a predetermined manner (column 208, lines 60-67, respectively, and column 209, lines 6-16, respectively, Guheen);
and

(i) wherein recording said overall appropriateness rating comprises storing said overall appropriateness rating on a computer readable medium (column 289, line 4, wherein a computer readable medium is claimed, Guheen).

Claim 2:

Regarding Claim 2, Guheen teaches a method of monitoring the appropriateness of digital content received at a monitored computer under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on said monitored computer (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(b) providing in said client application a blacklist database of inappropriate words which associates a rating for each inappropriate word in said blacklist database (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(c) providing in said client application a search module formed of data processing executable instructions which receives text as an input, and which compares said text to said blacklist database in order to generate an appropriateness rating for said text (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(d) providing in said client application a capture module formed of data processing executable instructions which capture all network traffic at a TDI Layer (Column 116, lines 5-8, wherein the middleware layer provides the basic functions for applications in a heterogeneous environment to interface with operating systems, networks, and communication protocols, wherein TDI is defined to be a transport driver interface that is defined to be software interface between the protocols and application programming language, which is equivalent to a "middleware layer", wherein a middleware layer is defined to software that connects two otherwise separate applications, Guheen); and

(e) utilizing said capture module to capture in real time said digital content of said network traffic at said TDI layer as said monitored user accesses said digital content (Column 116, wherein the usability labs which can be stationary or portable rely on videotape and screen captures methods to record how user interact with prototype systems, also see above as it relates to the "Transport Driver Interface" (TDI), and column 160, lines 2-10, wherein

examples of managing hardware include management servers, management controllers, management consoles, probes, and sniffers and one significant component in the hardware monitoring arena is firewall access control policy management, wherein firewalls are regularly used for network based security management, it is typically a system or group of systems that enforce access control between two or more networks and/or perform network data packet filtering. Usually packet filtering router hardware and application gateways are used to block unauthorized IP packets and enforce proxy defined user commands, which is equivalent to TDI layer, Guheen);

(f) automatically passing said digital content from said capture module to said search module in real time as said monitored user accesses said digital content (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(g) utilizing said search module and said blacklist database in order to examine all textual components of said digital content on a word-by-word basis and to develop an overall appropriateness rating for each individual piece of digital content in real time as said monitored user accesses said digital content (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(h) utilizing said client application for recording and reporting said overall appropriateness rating in a predetermined manner (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen); and

(i) wherein recording said overall appropriateness rating comprises storing said overall appropriateness rating on a computer-readable medium (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen).

Claim 3:

Regarding Claim 3, Guheen teaches a method of monitoring the appropriateness of Internet content received at a monitored computer under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on said monitored computer (REFER to claim 1, wherein this limitation has already been addressed, Guheen);

(b) providing in said client application a blacklist database of inappropriate words which associates a rating for each inappropriate word in said blacklist database (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(c) providing in said client application a search module formed of data processing executable instructions which receives text as an input, and which compares said text to said blacklist database in order to generate an appropriateness rating for said text (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(d) providing in said client application a capture module formed of data processing executable instructions which captures all internet content (Column 148, lines 29-35, wherein maintains a security log and user profile of what was accessed when, from a computer resource, facility and data view point, and wherein security administration ability to monitor the activity of a user of resource; column 163, lines 24-45, wherein monitoring central and distributed sites, wherein the operation is employed in the generation of an internet architecture, and so forth, which is interpreted to be equivalent to "utilizing said client application an internet address for content requested by each of said plurality of monitored computers in real time as said monitored user accesses said digital content"; and Figure 66, wherein web pages are illustrated);

(e) utilizing said capture module to capture all text monitored from internet pages user as said monitored user accesses said internet pages (Figures 66, wherein web pages are illustrated and column 206, lines 53-67, Guheen);

(f) automatically passing captured text from said capture module to said search module (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(g) utilizing said search module and said blacklist database in order to examine all textual components of said digital content on a word-by-word basis and to develop an overall appropriateness rating for each individual internet page (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

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(h) utilizing said client application for recording and reporting said overall appropriateness rating for each inappropriate internet page in a predetermined manner (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen); and

(i) wherein recording said overall appropriateness rating comprises storing said overall appropriateness rating on a computer-readable medium (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen).

Claim 4:

Regarding Claim 4, Guheen teaches a method of monitoring the appropriateness of digital content received at a monitored computer under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on said monitored computer (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(b) providing in said client application a blacklist database of (i) inappropriate single words and (ii) inappropriate phrases composed of a multiple number of words located proximate to one another (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(c) wherein said blacklist database associates a rating for each inappropriate single word and each inappropriate phrase in said blacklist database (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(d) providing in said client application a search module formed of data processing executable instructions which receives text as an input, and which compares said text to said blacklist database in order to generate an appropriateness rating for said text (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(e) wherein said search module includes at least one routine for recognizing and rating inappropriate phrases (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(f) providing in said client application a capture module formed of data processing executable instructions, which captures network traffic (Figure 48, all features, Guheen);

(g) utilizing said capture module to capture said digital content of said network traffic (REFER to claim 2, wherein this claim is rejected on similar grounds, Guheen);

(h) automatically passing said digital content from said capture module to said search module (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(i) utilizing said search module and said blacklist database in order to examine all textual components of said digital content on a word-by-word basis and to develop an overall appropriateness rating for each individual piece of digital content (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(j) utilizing said client application for recording said overall appropriateness rating in a predetermined manner (REFER to claim 1, wherein this limitation has already been addressed, Guheen); and

(k) wherein recording said overall appropriateness rating comprises storing said overall appropriateness rating on a computer-readable medium (REFER to claim 1, wherein this limitation has already been addressed, Guheen).

Claim 5:

Regarding claim 5, Guheen teaches a method of monitoring the appropriateness of digital content received at a plurality of monitored computers each under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on each of said monitored computers (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(b) providing in said client application a blacklist database of inappropriate words which associates a rating for each inappropriate word in said blacklist database (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(c) providing in said client application a search module formed of data processing executable instructions which receives text as an input, and which compares said text to said blacklist database in order to generate an appropriateness rating for said text (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(d) providing in said client application a capture module formed of data processing executable instructions which captures at least all incoming text (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(e) providing a server application which is formed from data processing executable instructions and which is resident on a server which is remotely located from said monitored computers (column 21, wherein the third bullet is defined, and remote monitoring of library activity and status, Guheen);

(f) providing at least one communication application in said client application (column 92, lines 35-42, Guheen);

(g) providing at least one communication application in said server application (column 92, lines 35-42, Guheen);

(h) for said plurality of monitored computers, utilizing said capture module to capture in real time said all incoming text as said monitored user accesses said digital content (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(i) for said plurality of monitored computers, automatically passing said digital content from said capture module to said search module in real time as said monitored user accesses said digital content (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(j) for said plurality of monitored computers, utilizing said search module and said blacklist database in order to examine all textual components of said digital content on word-by-word basis and to develop an overall appropriateness rating for each individual piece of digital content in real time as said monitored user accesses said digital content (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen); and

(k) utilizing said client application for recording and reporting said overall appropriateness rating in a predetermined manner (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen); and

(i) wherein recording said overall appropriateness rating comprises storing said overall appropriateness rating on a computer-readable medium (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen).

Claim 6:

Regarding Claim 6, Guheen teaches a method of monitoring the appropriateness of digital content received at a plurality of monitored computers each under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on each of said monitored computers (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(b) providing in said client application a content rating module which runs on said client application which is capable of generating an appropriateness rating for digital content received by each monitored computer (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(c) providing a server application which is formed from data processing executable instructions and which is resident on a server which is remotely located from said monitored computers (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(d) providing at least one communication application in said client application (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(e) providing at least one communication application in said server application (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(f) for said plurality of monitored computers, utilizing said client application to capture an internet address for content requested by each of said plurality of monitored computers in real time as said monitored user accesses said digital content (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(g) for said plurality of monitored computers, automatically utilizing said at least one communication application to communicate said internet address to server said as said monitored user accesses said digital content

(column 148, lines 29-35, wherein maintains a security log and user profile of what was accessed when, from a computer resource, facility and data view point, and wherein security administration ability to monitor the activity of a user of resource; column 163, lines 24-45, wherein monitoring central and distributed sites, wherein the operation is employed in the generation of an internet architecture, and so forth, which is interpreted to be equivalent to "utilizing said client application an internet address for content requested by each of said plurality of monitored computers in real time as said monitored user accesses said digital content"; and Figure 66, wherein web pages are illustrated);

(h) utilizing said communication application of said server to receive said internet address (column 182, lines 38-53, Guheen);

(i) utilizing said server application to determine whether or not content associated with said internet address has been rated previously (column 208, lines 23-29, Guheen);

(j) if it is determined that said content associated with said internet address has been rated previously, communicating an associated rating to said client application (column 208, lines 54-67, Guheen);

(k) if it is determined that said content associated with said internet address has not been rated previously, communicating this information to said client application (Figure 86, diagram 2606 Guheen);

(l) for said plurality of monitored computers, utilizing said content rating module of said client application to develop an overall appropriateness rating for each individual piece of digital content, which has not been rated previously, in real time as said monitored user accesses said digital content (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen); and

(m) utilizing said client application for recording and reporting said overall appropriateness rating to said server application in a predetermined manner (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(n) utilizing said server application to aggregate data to form a master content database with aggregated content ratings for a large number of internet sites (Figure 23C, all features, Guheen); and

(o) wherein recording said overall appropriateness rating comprises storing said overall

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appropriateness rating on a computer-readable medium (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen).

Claim 7:

Regarding claim 7, Guheen teaches a method of monitoring the appropriateness of digital content received at a plurality of monitored computers **over a computer network**, each under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on each of said monitored computers (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(b) providing in said client application modules for performing the following Internet protection functions:

(1) content rating and content filtering (see paragraph 2641, wherein optional features could include filtering of incoming messages and blocking junk mail, as well as providing backup and restore capabilities for stored email, Guheen);

(2) firewall functions including intrusion detection (Figure 48, wherein firewall is defined, Guheen);

(3) popup control (Figure 48, wherein firewall is defined, wherein it inheritance that a firewall software package can include a pop-up blocker, such as Norton, Guheen);

(4) anti-virus functions (*Figure 48, wherein firewall is defined, wherein it inheritance that a firewall software package can include the anti-virus software, such as Norton, Guheen);

(5) instant message filtering (column 208, lines 32-51, Guheen);

(6) spam filtering (column 73, lines 47-48, Guheen); and

(7) accountability reporting (column 73, line 17, Guheen);

(c) providing a server application which is formed from data processing executable instructions and which is resident on a server which is remotely located from said monitored computers (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(d) providing at least one communication application in said client application (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(e) providing at least one communication application in said server application (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(f) for said plurality of monitored computers, utilizing said client application to capture in real time all requests for data as said monitored user accesses digital content (Column 187, lines 8-35, wherein distributing and viewing information known as the World-Wide Web has recently become very popular on the global Internet and the World-Wide Web is a collection of servers connected to the Internet that provide multi-media information to users that request the information and the users access the information using client programs called "browsers" to display the multi-media information, and so forth, which is interpreted to be equivalent to *"utilizing said client application to capture in real time request for data as said monitored users accesses digital content"*);

(g) for said plurality of monitored computers, utilizing said at least one communication application of said client application to automatically pass information from said client application to said server in real time as said monitored user accesses said digital content (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(h) for said plurality of monitored computers, utilizing said modules for intrusion protection functions in order to generate an approval or disapproval indication for each individual piece of digital content in real time as said monitored user accesses said digital content (column 219, lines 59-67, Guheen);

(i) utilizing said client application for blocking or permitting further communication in a predetermined manner (column 208, lines 40-50, Guheen); and

(j) wherein steps (a)-(i) are performed over the computer network (Figure 51, all features, Guheen).

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Claim 8:

Regarding Claim 8, Guheen teaches a method of monitoring the appropriateness of digital content received at a plurality of monitored computers **over a computer network**, each under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on each of said monitored computers;

(b) providing in said client content filtering for performing content rating and content filtering (REFER to claim 7, wherein this claim is rejected on similar grounds, Guheen)

(c) providing a server application which is formed from data processing executable instructions and which is resident on a server which is remotely located from said monitored computers (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(d) providing at least one communication application in said client application (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(e) providing at least one communication application in said server application (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(f) for said plurality of monitored computers, utilizing said client application to capture in real time **all** requests for data as said monitored user accesses digital content (Column 187, lines 8-35, wherein distributing and viewing information known as the World-Wide Web has recently become very popular on the global Internet and the World-Wide Web is a collection of servers connected to the Internet that provide multi-media information to users that request the information and the users access the information using client programs called "browsers" to display the multi-media information, and so forth, which is interpreted to be equivalent to "*utilizing said client application to capture in real time request for data as said monitored users accesses digital content*");

(g) for said plurality of monitored computers, utilizing said at least one communication application of said client application to automatically pass information from said client application to said server in real time as said

monitored user accesses said digital content REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(h) for said plurality of monitored computers, utilizing said client application and said server in combination in order to generate an approval or disapproval indication for each individual piece of digital content in real time as said monitored user accesses said digital content (REFER to claim 7, wherein this claim is rejected on similar grounds, Guheen);

(i) utilizing said client application for blocking or permitting further communication in a predetermined manner (REFER to claim 7, wherein this claim is rejected on similar grounds, Guheen); and

(j) wherein steps (a)-(i) are performed over the computer network (REFER to claim 7, wherein this claim is rejected on similar grounds, Guheen).

Claim 9:

Regarding claim 9, Guheen teaches a method of monitoring the appropriateness of digital content received at a plurality of monitored computers **over a computer network** each under the control of a monitored user, comprising:

(a) providing a client application which is formed from data processing executable instructions, which is resident on each of said monitored computers (REFER to claim 1, wherein this claim is rejected on similar grounds, Guheen);

(b) providing in said client application modules for performing integrated intrusion protection (REFER to claim 7, wherein this claim is rejected on similar grounds, Guheen);

(c) providing a server application which is formed from data processing executable instructions and which is resident on a server which is remotely located from said monitored computers (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(d) providing a cluster of servers (column 92, lines 44-48, wherein workstation servers, Guheen)

(e) providing at least one communication application in said client application (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(f) providing at least one communication application in said server application (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(g) for said plurality of monitored computers, utilizing said client application to capture in real time all requests for data as said monitored user accesses digital content (Column 187, lines 8-35, wherein distributing and viewing information known as the World-Wide Web has recently become very popular on the global Internet and the World-Wide Web is a collection of servers connected to the Internet that provide multi-media information to users that request the information and the users access the information using client programs called "browsers" to display the multi-media information, and so forth, which is interpreted to be equivalent to "*utilizing said client application to capture in real time request for data as said monitored users accesses digital content*");

(h) for said plurality of monitored computers, utilizing said at least one communication application of said client application to automatically pass information from said client application to said server application in real time as said monitored user accesses said digital content (REFER to claim 5, wherein this claim is rejected on similar grounds, Guheen);

(i) utilizing said server application to determine automatically which particular one of said cluster of servers is best able to respond to a request for service (column 14, lines 64-67 and column 155, lines 18-19, Guheen); and

(j) wherein steps (a)-(i) are performed over the computer network (REFER to claim 7, wherein this limitation is substantially the same/or similar).

Examiner's Response to Arguments

11. Applicant Argues:

Claims 1-9 also stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,519,571 to Guheen et al. ("Guheen"). Guheen discloses utilizing various types of user indicia such as search requests, products purchased and returned, reasons for returning products, customers' stated profile including income, and education level, stated profession for the purpose of customizing a user interface.

Independent claim 1 is directed to a method of monitoring the appropriateness of digital content received at a monitored computer under the control of a monitored user. Applicant respectfully submits that Guheen fails to teach or suggest at least three distinguishing features of claim 1, namely, (1) providing in the client application a capture module formed of data processing executable instructions which captures at least incoming text, (2) utilizing the capture module to capture in real time the incoming text as the monitored user accesses said digital content, and (3) utilizing the search module and the blacklist database in order to examine all textual components of the digital content on a word-by-word basis and (4) to develop an overall appropriateness rating for each individual piece of digital content in real time as the monitored user accesses said digital content.

Examiner Response:

Examiner is not persuaded. Referring to "(1) providing in the client application a capture module formed of data processing executable instructions which captures at least incoming text", See Guheen, Column 209, lines 11-16, wherein all incoming messages are logged, tracked, sorted based on text patterns, and routed to the appropriate destination, and wherein all or selected messages may be stored to build a customer interaction history.

Referring to "(2) utilizing the capture module to capture in real time the incoming text as the monitored user accesses said digital content", See Guheen, column 25, wherein Client3 Instant Product 1 is defined, a software application that provides online chatting capabilities, which is equivalent to "capture in real time incoming text", directory services for user profiles, and personalized news, wherein a software application installed on end users machine to obtain access to Business3's private network, which is equivalent to "monitored user accesses said digital

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content"; column 208, lines 32-51, wherein chat capabilities in real time is defined, and wherein chat rooms could be dynamically created which could restrict access to known users or could permit open public access, moderated chat sessions would also be allowed, and optionally the chat capabilities could permit posting, which is also interpreted to be equivalent to "monitored user accesses" and retrieving of public and private messages such as electronic bulletin board, which is also interpreted to be equivalent to "digital content".

Referring to "(3) utilizing the search module and the blacklist database in order to examine all textual components of the digital content on a word-by-word basis", See Guheen, Column 208, lines 1-15, wherein content subscriptions allows users to subscribe and unsubscribe for different services and allows subscribers to set up content preferences (e.g. topics), which is interpreted to be equivalent to a "blacklist database", and allows users to subscribe third parties for services and the content channels component of the present invention allows users to subscribe and unsubscribe to different services such as, for example, newsletters, travel clubs, and the like and users would also be allowed to limit the content of the materials received to their particular preference, wherein for example, a user would select several topics from a list of topics and would later receive information on the selected topics and optionally, the invention could permit a user to subscribe third parties to selected services, which is interpreted to be equivalent to *"utilizing the search module and the blacklist database in order to examine all textual components of the digital content on a word-by-word basis"*.

In regards to limitation "(4) develop an overall appropriateness rating for each individual piece of digital content in real time as the monitored user accesses said digital content", See Guheen, Figure 78, all features, wherein its further defined in Column 208, wherein 23-31, wherein the content channels component of the present invention would also include a component for displaying static answers to popular question, and wherein the questions and answers could dynamically generated from a knowledge base, and optionally the questions and answers could be ranked in order from the most to the least viewed or vice versa or could be organized by topic, wherein the search engine could select relevant questions based on a users input criteria, which is interpreted to be

equivalent to "develop an overall appropriateness rating for each individual piece of digital content in real time as the monitored user accesses said digital content".

12. **Applicant Argues:**

The Office Action also asserts that the feature of utilizing the capture module to capture in real time the incoming text as the monitored user accesses the digital content is taught by column 21 of Guheen. Guheen discloses event logging and notification, remote diagnostics remote configuration, and monitoring tape library activity and status. Guheen with respect to a tape library does not disclose in real time capturing all incoming text as claimed in claim 1. In the present invention as claimed in claim 1, all incoming text claimed in claim 1. In subset the present invention as claimed in claim 1, all incoming text is captured, rather than just a subset of incoming text pertaining to a particular website or web application. In various embodiments of the invention capturing all incoming text permits a complete analysis of the appropriateness of websites being viewed by a monitored user.

Examiner Response:

Examiner is not persuaded. See above; wherein this argument is substantially the same/or similar.

13. **Applicant Argues:**

In contrast, in the invention as claimed in claim 1, all textual components of a digital component are examined. Further, Guheen does not disclose developing an overall appropriateness rating for each piece of digital content. Instead, it discloses a ranking of feature keywords. The ranking is with respect to each feature, rather than an overall appropriateness rating for a piece of digital content.

Examiner's Response:

Examiner is not persuaded. See above; wherein this argument is substantially the same/or similar.

14. **Applicant Argues:**

Independent claim 2 is directed to a method of monitoring the appropriateness of digital content received at a monitored computer under the control of a monitored user. Applicant respectfully submits that Guheen fails to teach or suggest at least two distinguishing features of claim 2, namely, providing in the client application a capture module formed of data processing executable instructions which capture network traffic at a TDI layer, and utilizing the capture module to capture in real time the digital content of the network traffic at the TDI layer as the monitored user accesses the digital content.

The Office Action asserts that the feature of providing in the client application a capture module formed of data processing executable instructions, which captures network traffic at a TDI layer is taught by Figure 48 of Guheen. Figure 48 discloses the topology of a network and provides no information about the client. Since no client components are disclosed, Guheen fails to disclose a capture module in the client application, which captures network traffic at a TDI layer.

Examiner's Response:

Examiner is not persuaded. Referring to limitations "providing in the client application a capture module formed of data processing executable instructions which capture network traffic at a TDI layer", see Guheen, Column 116, lines 5-8, wherein the middleware layer provides the basic functions for applications in a heterogeneous environment to interface with operating systems, networks, and communication protocols, wherein TDI is defined to be a transport driver interface that is defined to be software interface between the protocols and application programming language, which is equivalent to a "middleware layer", wherein a middleware layer is defined to software that connects two otherwise separate applications; and

"utilizing the capture module to capture in real time the digital content of the network traffic at the TDI layer as the monitored user accesses the digital content", see Guheen, Column 116, wherein the usability labs which can

be stationary or portable rely on videotape and screen captures methods to record how user interact with prototype systems, also see above as it relates to the "Transport Driver Interface" (TDI), and number 11 above.

15. **Applicant's Argues:**

Additionally, for reasons similar to those given with respect to claim 1, Applicant respectfully submits that Guheen fails to teach or suggest the feature of utilizing the search module and the blacklist database in order to examine all textual components of the digital content on a word-by-word basis and to develop an overall appropriateness rating for each individual piece of digital content in real time as the monitored user accesses the digital content.

Examiner's Response:

Examiner is not persuaded. See above; wherein this argument is substantially the same/or similar.

16. **Applicant's Argues:**

Independent claim 3 is directed to a method of monitoring the appropriateness of Internet content received at a monitored computer under the control of a monitored user. For reasons similar to those given with respect to claim 1, Applicant respectfully submits that Guheen fails to teach or suggest the features recited in elements (d), (e), and (g). Applicant respectfully requests that the 35 U.S.C. § 102 rejection of independent claim 3 be withdrawn.

Examiner's Response:

Examiner is not persuaded. See above arguments, wherein these limitations are substantially the same/or similar.

17. **Applicant's Argues:**

Independent claim 4 is directed to a method of monitoring the appropriateness of Internet content received at a monitored computer under the control of a monitored user. For reasons similar to those given with respect to claim 2, Applicant respectfully submits that Guheen fails to teach or suggest the features recited in elements (d) and (e). For reasons similar to those given with respect to claim 1, Applicant respectfully submits that Guheen fails to

teach or suggest the features recited in element (g). Applicant respectfully requests that the 35 U.S.C. § 102 rejection of claim 4 be withdrawn.

Examiner's Response:

Examiner is not persuaded. See above arguments as it relates to (d), (g), wherein these limitations are substantially the same/or similar.

However, in regards to (e), which states: 'wherein said search module includes at least one routine for recognizing and rating inappropriate phrases'. Examiner is not persuaded. See Guheen, Figure 78, all features, wherein its further defined in Column 208, wherein 23-31, wherein the content channels component of the present invention would also include a component for displaying static answers to popular question, and wherein the questions and answers could dynamically generated from a knowledge base, and optionally the questions and answers could be ranked in order from the most to the least viewed or vice versa or could be organized by topic, wherein the search engine could select relevant questions based on a users input criteria, which is interpreted to be equivalent to *"one routine for recognizing an rating inappropriate phrases"*; and See Column columns 177-178, lines 57-67 and lines 1-13, wherein operation 1608, the selected items are preferably stored in a database unique to the user, wherein the set of items selected during each shopping session should be stored in a separate listing or file so that the user can individually select particular sets of items and optionally, the user may be allowed to name each stored set of items for easier identification later and the user may also be permitted to rate or rank the items of a selected set for purposes of refreshing the user's memory when the user later retrieves the set.

18. **Applicant's Argues:**

Independent claim 5 is directed to a method of monitoring the appropriateness of Internet content received at a monitored computer under the control of a monitored user. For reasons similar to those given with respect to claim 1, Applicant respectfully submits that Guheen fails to teach or suggest the features recited in elements (d), (h), and (j). Applicant respectfully requests that the 35 U.S.C. § 102 rejection of independent claim 5 be withdrawn.

Examiner's Response:

Examiner is not persuaded. See above arguments as it relates to (d), (h), and (i), wherein these limitations are substantially the same/or similar.

19. **Applicant's Argues:**

Independent claim 6 is directed to a method of monitoring the appropriateness of digital content received at a plurality of monitored computers each under the control of a monitored user. Applicant respectfully submits that, for at least the reasons given with respect to claim 1, Guheen fails to teach or suggest the features recited in element (f). Applicant respectfully requests that the 35 U.S.C. § 102 rejection of independent claim 6 be withdrawn.

Examiner's Response:

Examiner is not persuaded, wherein claim 6, (f) cites: "for said plurality of monitored computers, utilizing said client application an internet address for content requested by each of said plurality of monitored computers in real time as said monitored user accesses said digital content", See Guheen, Column 148, lines 29-35, wherein maintains a security log and user profile of what was accessed when, from a computer resource, facility and data view point, and wherein security administration ability to monitor the activity of a user of resource; column 163, lines 24-45, wherein monitoring central and distributed sites , wherein the operation is employed in the generation of an internet architecture, and so forth, which is interpreted to be equivalent to "utilizing said client application an internet address for content requested by each of said plurality of monitored computers in real time as said monitored user accesses said digital content"; and Figure 66, wherein web pages are illustrated.

20. **Applicant's Argues:**

Independent claim 7 as amended is directed to a method of monitoring the appropriateness of digital content received at a plurality of monitored computers over a computer network, each under the control of a monitored user. Applicant respectfully submits that, for at least the reasons given with respect to claim 1, Guheen

fails to teach or suggest the features recited in element (f). Applicant respectfully requests that the 35 U.S.C. § 102 rejection of independent claim 7 be withdrawn.

Examiner's Response:

Examiner is not persuaded. Referring to Claim 7, (f), which cites: "for said plurality of monitored computers, utilizing said client application to capture in real time request for data as said monitored users accesses digital content", See Guheen, Column 187, lines 8-35, wherein distributing and viewing information known as the World-Wide Web has recently become very popular on the global Internet and the World-Wide Web is a collection of servers connected to the Internet that provide multi-media information to users that request the information and the users access the information using client programs called "browsers" to display the multi-media information, and so forth, which is interpreted to be equivalent to "*utilizing said client application to capture in real time request for data as said monitored users accesses digital content*".

21. **Applicant's Argues:**

Independent Claim 8 as amended is directed to a method of monitoring the appropriateness of digital content received at a plurality of monitored computers over a computer network, each under the control of a monitored user. Applicant respectfully submits that, for at least the reasons given with respect to claim 1, Guheen fails to teach or suggest the features recited in element (f). Applicant respectfully requests that the 35 U.S.C. § 102 rejection of independent claim 8 be withdrawn.

Examiner's Response:

Examiner is not persuaded. Referring to Claim 8, (f), see above responses to arguments, wherein this limitation is substantially the same/or similar.

22. **Applicant's Argues:**

Independent claim 9 as amended is directed to a method of monitoring the appropriateness of digital content received at a plurality of monitored computers over a computer network, each under the control of a monitored user. Applicant respectfully submits that, for at least the reasons given with respect to claim 1, Guheen fails to teach or suggest the features recited in element (g). Applicant respectfully requests that the 35 U.S.C. § 102 rejection of independent claim 9 be withdrawn.

Examiner's Response:

Examiner is not persuaded. . Referring to Claim 9, (g), see above responses to arguments, wherein this limitation is substantially the same/or similar.

Prior Art of Record

1. Guheen et al. (US Patent No, 6,519,571) discloses utilizing various types of user indicia such as search requests, products purchased, products looked at but not purchased, products purchased and returned, reasons for returning products, customers stated profile including income level, education level, stated profession, etc. for the purpose of customizing a user interface.

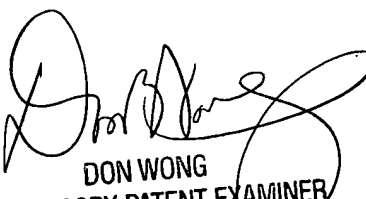
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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